

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MIRDUH SPAHIJA,	:	
	:	CASE NO.: 1:22-cv-01986
Plaintiff,	:	
v.	:	JUDGE: Donald C. Nugent
	:	
RAE-ANN HOLDINGS, INC., ET AL.	:	
	:	
Defendants.	:	

**REPLY MEMORANDUM IN SUPPORT OF
MOTION TO DISMISS FILED BY INDIVIDUAL
DEFENDANTS SUE GRIFFITHS AND JOHN GRIFFITHS**

Plaintiff Mirduh Spahija (“Plaintiff”) individually named Defendants Sue Griffiths (“Sue”) and John Griffiths (“John”) (jointly, “Defendants”) in claims of retaliation, discrimination and failure to accommodate under Title VII and R.C. 4112. Plaintiff’s Opposition confirms that “Plaintiff does not contest that courts have generally agreed that individuals may not be liable under Title VII.” (ECF #7, pg. 3). Accordingly, the Title VII claims against Defendants should be dismissed with prejudice.

As to the Plaintiff’s claims of retaliation, discrimination and failure to accommodate under Ohio law, R.C. 4112.08(A) states, “no person has a cause of action or claim based on an unlawful discriminatory practice relating to employment … against a supervisor, manager, or other employee of an employer.” The statute demonstrates the General Assembly’s “intent that individual supervisors, managers, or employees not be held liable under Chapter 4112[] of the Revised Code for unlawful discriminatory practices relating to employment.” 2019 Ohio HB 352. Plaintiff does not dispute Ohio law in the Opposition.

Rather, Plaintiff alleges that despite the plain language of the Complaint, that Defendants can be named under R.C. 4112.02(J). (ECF #7, pg. 3). However, the Complaint does not assert

such a claim. Accordingly, Plaintiff's claims of retaliation, discrimination and failure to accommodate under Ohio law against Defendants should also be dismissed with prejudice.

Based on the above-cited arguments and authorities, Defendants' Motion must be granted and Plaintiff's claims against Sue and John dismissed as a matter of law.

Respectfully submitted,

/s/ David A. Campbell
David A. Campbell (0066494)
Lewis Brisbois Bisgaard & Smith, LLP
1375 E. 9th Street, Suite 2250
Cleveland, OH 44114
Phone: (216) 344-9422
Fax: (216) 344-9421
David.A.Campbell@lewisbrisbois.com
Attorney for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 5th day of December, 2022, a true and accurate copy of foregoing was served on the following counsel of record:

Ziad Tayeh
22255 Center Ridge Road, Suite 311
Rocky River, OH 44116
(440) 580-0365
Email: info@tayehlaw.com
Attorney for Plaintiff

/s/ David A. Campbell
David A. Campbell (0066494)
Attorney for Defendants